

HOUSE BILL 2965
By Lynn

AN ACT to amend Tennessee Code Annotated, Section 10-7-504 and Section 10-7-513, relative to confidentiality of military discharge records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-513, is amended by adding the following language as new subsections to be designated as follows:

(c)

(1) Any information contained on the following record forms that is recorded with a county register of deeds is confidential:

DD-214, DD-215, WD AGO 55, WD AGO 53-55, NAVMC 78-PD, NAVPERS 553, or any other military discharge form.

Such record is confidential for the seventy-five (75) years following the date it is recorded with or otherwise first comes into the possession of the county register of deeds. During such period the county register of deeds may permit inspection or copying of the record or disclose information contained in the record only in accordance with this section or in accordance with a court order.

(2) On request and the presentation of proper identification, the following persons may inspect the military discharge record or obtain from the county register of deeds free of charge a copy or certified copy of the record:

(A) The veteran who is the subject of the record;

(B) The legal guardian of the veteran;

(C) The spouse or a child or parent of the veteran, or, if there is no living spouse, child, or parent, the nearest living relative of the veteran;

(D) The personal representative of the estate of the veteran;

(E) The person named by the veteran, or by a person described by subdivision (B), (C), or (D), in an appropriate power of attorney; or

(F) Another governmental body.

(3) A court that orders the release of information under this subsection shall limit the further disclosure of the information and the purposes for which the information may be used.

(4) A governmental body that obtains information from the record shall limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained.

(d)

(1) The veteran who is the subject of the record or the legal guardian of the veteran may direct, in writing, that the register of deeds destroy all copies of the record that the official makes readily available to the public for purposes of subsection (c), such as paper copies of the record in the county courthouse or a courthouse annex, microfilm or microfiche copies of the record in the county courthouse or a courthouse annex, and electronic copies of the record that are available to the public. The register of deeds shall comply with the direction within fifteen (15) business days after the date the direction is received. The register of deed's compliance does not violate any law of this state relating to the preservation, destruction, or alienation of public records. The direction to destroy the copies of the record, the register of deed's compliance, and any delay between the time the direction is made and the time the register of deeds destroys the copies may not be used to limit or restrict the public's access to the real property records of the county.

(2) A register of deeds who receives a request for inspection or duplication of a military discharge record is only required to search for the record in places where, or media by which, the register of deeds makes records readily available to the public such as paper records stored in the county courthouse or a courthouse annex, microfilmed or microfiched records stored in the county

courthouse or a courthouse annex, and electronically stored records made available to the public. This subdivision does not apply to a request made by a veteran who is the subject of a military discharge record or the legal guardian of the veteran.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.